

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 7, 2002

**D040782        Synclair v. Superior Court of San Diego County/Synclair**

The petition is denied.

**D040771        The Explorer Insurance Company v. Superior Court of San Diego County/Jones**

The petition is denied.

**D040452        Johnson v. Bates**

The appeal is dismissed for failure to comply with the California Rules of Court.

**D040690        Cecilia H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Cecilia H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D039017        People v. Murdock**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D040810        In re Amber K.**

The appeal as to Deborah K. is dismissed as untimely filed.

**D040575        In re Shea on Habeas Corpus**

The petition is denied.

**D038267        Burge v. County of San Diego**

Appellant's request for judicial notice is granted. The petition for rehearing is denied.

**D034981        People v. Sparks**

The true findings on the two Penal Code section 12022, subdivision (b)(1) allegations and the Penal Code section 12022.3, subdivision (a) allegation are reversed; the judgment is affirmed in all other respects. The matter is remanded to the trial court with directions that if the People do not bring defendant to trial on the allegations reversed hereby within 60 days after the filing of the remittitur in the trial court, pursuant to Penal Code section 1382, subdivision (2), the trial court shall proceed as if the remittitur constituted a modification of the judgment to reflect findings that those allegations were not true. McDonald, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D040731        Wilkerson et al. v. Scott et al.**

Pursuant to California Rules of Court, rule 8, the appeal is dismissed as to Brock and Scott.

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DIVISION ONE  
October 8, 2002

**D038229        Judco Manufacturing, Inc. v. Equia et al.**

The judgment is affirmed. O'Rourke, J.; We Concur: McIntyre, Acting P.J., McConnell, J.

**D038703        People v. American Surety Company**

The judgment is affirmed. Appellant to bear costs on appeal. O'Rourke, J.;  
We Concur: Huffman, Acting P.J., McConnell, J.

**D038409        In re Larry H., a Juvenile**

To the extent it finds Larry is not an individual with exceptional needs, the order of the juvenile court is reversed. The matter is remanded and the juvenile court is directed to consider Larry's educational needs so as to decide whether or not Larry's receipt of special education was the result of a determination he was a child with a disability as defined by the Individuals with Disabilities Education Act, and comply with Welfare and Institutions Code section 1742 if it makes such a finding. The order is otherwise modified to stay the one-year sentence for assault by means of force likely to cause great bodily injury so as to provide the maximum period of confinement is 6 years and 2 months, and as modified is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McConnell, J.

**D040684        Albert L. v. Superior Court of San Diego County/San Diego County Health and  
Human Services Agency**

The attorney for petitioner Albert L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D040242        In re S.O., a Juvenile**

The orders are affirmed. Kremer, P.J.; We Concur: Huffman, J., McIntyre, J.

**D039441        Hulett v. Stadler**

The appeal is dismissed pursuant to California Rules of Court, rule 17(a).

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
October 9, 2002

**D038885        Calbeach Advocates v. City of Solana Beach et al./Corn et al.**

The judgment is affirmed. Calbeach to bear costs on appeal. O'Rourke, J.;  
We Concur: Huffman, Acting P.J., Haller, J.

**D037680        People v. Konow et al.**

The court's order granting Defendants' Penal Code section 995 motion is reversed and the magistrate's order holding Defendants to answer is reinstated. CERTIFIED FOR PUBLICATION. O'Rourke, J.;  
We Concur: Huffman, Acting P.J., Haller, J.

**D040914        People v. Love**

The order following a status conference is not appealable. The appeal is dismissed.  
Any allegations concerning violations of Penal Code sections 96.5 and 146a may be brought to the attention of a prosecutorial agency for possible further investigation.

**D036878        In re Ivan R., a Juvenile**

The petition for rehearing is denied.

**D040509        Antoinette P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

**D039886        Chini v. Palizban et al.**

Upon written stipulation filed by the parties to the appeal and cross-appeal, the appeal and cross-appeal are dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

**D040758        In re Joseph Leonardo Gallardo on Habeas Corpus**

The petition is denied.

**D040325        In re Zamora on Habeas Corpus**

The petition is denied.

**D040945        O'Brien v. Superior Court of San Diego/Navarra Gardens Condominiums Homeowners Association et al.**

The petition is denied.

**D040952        Coffelt v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
October 10, 2002

**D038322        People v. Cooper**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

**D039418        In re Jonathon R., a Juvenile**

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

**D039628        In re Edgar S. et al., Juveniles**

The orders are affirmed. McConnell, J.; We Concur: Kremer, P.J., Benke, J.

**D040168        In re James J., Jr., a Juvenile**

The order is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D040467        In re Brittany L., a Juvenile**

The appeal is dismissed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D040578        In re Samuel C. et al., Juveniles**

The appeal is dismissed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D037771        Souza, Jr. et al. v. You Haul Concrete, Inc., et al.**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Benke, J.

**D037163        People v. Carrillo**

The judgment is affirmed. McConnell, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

**D040920        Stanberry v. Superior Court of Imperial County/People**

The petition is denied.

**D049765        Sosa v. Superior Court of San Diego County/People**

The petition is denied.

**D040938        Nagast v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
October 11, 2002

**D039694        In re the Marriage of Jonathan and Jill Oas**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).  
The appeal is dismissed.

**D040634        Miller et al. v. Lewis et al.**

Pursuant to California Rules of Court, rule 8, the appeal filed August 6, 2002, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rule 4(b) and 5(c)).

**D037874        People v. Moya**

The opinion filed September 12, 2002, is modified as follows: No Change in Judgment. The petition for rehearing is denied.

**D040939        Gomez v. Superior Court of Imperial County/People**

The petition is denied.

**D040974        Rasana v. Superior Court of San Diego County/San Diego Transit Corporation**

The petition is denied.